

Enigma
8-26-03

8/RESPONSE

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PATENT
Attorney Docket No.
SG-20554

Receipt requested.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: William F. Behm et al

Serial Number: 09/723,772

Filed: November 28, 2000

For: LOTTERY TICKET VALIDATION SYSTEM

Art Unit: 3714

Examiner: Corbett B. Coburn

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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RESPONSE

Sir:

This paper is responsive to the Office Action mailed on May 21, 2003 having a shortened statutory period for response set to expire August 21, 2003

In response to the Examiner's request in paragraphs 1 and 2 of the Action, the specification has been carefully reviewed for errors and material that does not directly pertain to the claimed invention. With the exception of a relatively de minimis portion, the figures and specification do pertain directly to the claims in the application. The length of the application is due in substantial part to the evolution of a the claimed system for validating lottery tickets from the first embodiment of the invention that was disclosed in the original patent application filed on June 22, 1994. The new embodiments of the invention were added in the various parent continuation in part applications. Specifically, these embodiments represent new embodiments

of the elements such as the tickets, the electronic validation machine and the stigmatization means recited in Claims 1-3. Most of these elements are not conventional and widely known in the field of the invention. In addition, specific details of some of the elements that are described in the specification are claimed in the claims that have been withdrawn from consideration by the Examiner and in the event that the Examiner should decide to examine other of these claims or if dependent claims are added to Claim 1 during further prosecution of the application, the detailed descriptions might be necessary to support claims directed to specific embodiments.

The most significant de minimis portion of the specification that does not directly pertain to the claimed invention referred to above is the portion of the specification, page 102, line 14 to page 105, line 24 and accompanying Figs. 90-94 that describe a data card and a laminated document. This represents 6 pages out of a 141 page specification and 6 figures out of 107 figures. To delete these 6 figures would require amending the remaining figures with new figure numbers along with numerous amendments to the specification to conform the specification to the new figure numbers. It is therefore respectfully requested in view of the minimal amount of excess material and the effort and expense required to remove it that the Examiner's requirement be waived.

The 35 USC § 102 rejection of Claims 1 and 2 as being anticipated by Finocchio is respectively traversed. Specifically, Finocchio does not describe a device that can determine which play spots have been removed from a lottery ticket and compute a ticket redemption value from the play spots that have been removed. To begin with, and contrary to the Examiner's suggestion in paragraph 7 of the Office Action, the terminal in Finocchio does not scan the "verification code." Instead Finocchio teaches at Col 7, lines 12 -26, that in certain circumstances the agent may be required to enter the verification code and in particular, as described at Col. lines 24-25:

"The agent then removes the latex coating in verification area 308 to uncover the verification code and enters the code into the terminal."

Finocchio simply does not teach or even suggest a terminal that scans a verification code. It is the bar-coded "validation code" 310 printed on the back of the ticket 300 that is scanned by the terminal in Finocchio. See Col. 7, lines 35-41. It is the validation code that is used by the

terminals and the central computer to determine the redemption value of a ticket in Finocchio, not a scan of a verification code. In any event, there is clearly nothing in Finocchio that even suggests the claimed concept of a device for determining the redemption value of the ticket from which play spots on a lottery ticket have been removed. Moreover, there is no basis for the Examiner's statement and conclusion :

"In order to determine if the ticket is a winner, the terminal scans the verification code. (Col 7, 13-18) Thus the microprocessor must determine which of the spots is removed because it must determine if the verification code is revealed."

First, as indicated above, Finocchio does not scan the verification code. Secondly, there is no suggestion in Finocchio that a determination be made of which of the spots is removed. And, even if all that were the case, the device in Finocchio still would not determine the "redemption value" of the lottery ticket from removed play spots as set forth in Claims 1-3. Therefore, Claims 1 and 2 are not anticipated nor made obvious by Finocchio and thus should be allowable.

Regarding the 35 USC § 103 rejection of Claim 3, because Finocchio does not teach the invention for the reasons as discussed above in connection with Claim 1, Claim 3 should be allowable as well.

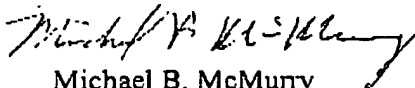
It is also respectfully requested that the claims withdrawn from consideration, Claims 4-302, be examined. It is noted that all of the species listed in the Restriction Requirement dated February 6, 2003 were identified as falling within the same class and subclass and that many of the claims contain elements that were distinguished over Finocchio as discussed above. In particular Claims 12-146 and 158-302 include the concept of scanning for play spots and determining ticket redemption value from the removed play spots. Thus, assuming that Finocchio is the best prior art against the examined Claims 1-3, then at least Claims 12-146 and 158-302 should be in condition for allowance.

It is believed that no fee is due for this paper. However, if a fee is due please charge Deposit Account No. 13-2495 for any fees incurred herein.

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It is, therefore, respectfully requested that Claims 1-3 be allowed, Claims 4-302 be examined and allowed and that the application issue to Letters Patent with Claims 1-302 forming a part thereof.

Respectfully submitted,



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Dated: August 21, 2003

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